

App. F. IX-4

1924-5

File No. 23-24

Previous References

(R. A)

R.A 31-23-(8/1-17)
" 23-24-(1-9)

Serial Nos. 10, 16, 17
18-19.

Later References

General and Revenue Secretariat.

Serial Nos. Five.

Part B for Aug 1927.

SUBJECT

Election of a member from the Sillaghatta urban Constituency to the Representative Assembly.

17) To the D.C. Kolar with reads
" Secretary Rep. Assembly

S.O. no. 142-3 B 13.11.1925.

With ref. to the letter of 26.3.1925 from the D.C. Kolar submitting for the orders of Govt the papers relating to an enquiry conducted by him into an election petition presented by Mr. C. Khadrappa in connection with the ———— papers orders directing that the petition of Mr. C. Khadrappa praying for a fresh election be dismissed.

Shankar
22/6/27.

GENERAL AND REVENUE SECRETARIAT.

(PA)

NOTES.

File No. 23-24

FILE HEADING.

Election of a member from the Sidlaghatta Urban
Constituency to the Rep: Assembly

From

The Deputy Commissioner, Kolar

No. R. v. c. 1272 Dated 26. 3. 1925 Received 30. 3. 25
24-25 37

File No. 4177
101

Enclos. 1/7th Spare Copies.
2/Book

Serial No. 10

BRIEF ABSTRACT OF LETTER.

In continuation his letter No. R. v. c. 1272/24-25 dated 2 March 1925
forwards for final orders of Government the entire proceedings
relating to the result of his enquiry in connection with the petition
of appeal presented by Mr. C. Khadappa, a candidate for the said
election together with a copy of his finding in the case. Requests
the early orders of Government.

Submitted for perusal & orders.

In the recent election of a member to the
Rep: Assembly from the Sidlaghatta Urban
Constituency, Mr. Jatawara Narayappa, of
Sidlaghatta, & Mr. Khadappa, of Khatyari.

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Flag G

By Sidlaghatta, offered themselves
as Candidates. And the election
took place on the 23rd Feb-1925.
the date fixed in the calendar presented
for the purpose. Just ^{at the time when} the polling
was about to commence. Mr. Khadarkar
seems to have presented an appli-
-cation to the Amildar of Sidlaghatta
who was the polling officer, withdrawing
his candidature on the score that his
name had been printed wrongly in
the voting paper books ⁽²⁾ that his initials
had been omitted ⁽³⁾ that the voters
would be misled by the incorrect name
as printed in the voting papers, in spite
of the polling officer telling him that the wrong entry had been
The Amildar thereupon, declared the
remaining candidate as duly elected
as per clause 1, Rule 4 Part II of the
rules for the conduct of elections ^{provision}
with notice No. P.2399/legis 12-23-6
of 7.11.23.

Flag E

Flag D
RA 23-24-7Let 2nd to
Pl. 901

RA 23-24-9

3. The Dist. Comr. recommended that
the election ^{might} be allowed to his
letter of the 28th Feb. 1925. It was
accordingly approved & notified.
4. The defeated candidate who withdrew
presented an appeal petition before
the Dist. Comr. on 24.2.25 - which has been
heard by the Dist. Comr. - and his finding

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of 1924

4477

General and Revenue
Secretariat.

is the Amladar was wrong in accepting

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the application for withdrawal 13 days
after the limit of time presented in
Para. 1 of Notification No. P3918/Regd 12-23-20

2/2/24

W. H. II

C. H.

Dated 15th January 1924 and then in the
Lt Commr's opinion to take further proceedings

adopted by the Amladar viz dispensing
with the necessity for an election &

holding that the other candidate should

be regarded as having been returned.

For the constituency he submits the case for orders of Govt

5. The Amladar, in his report states

that he acted according to instructions

contained in Clause 1 of rule 4 of Part II

of the rules for the conduct of elections

submitted.

7. W. H. I

3/4/24

The Amladar is to be
noted in the report.
The Amladar is to be
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noted in the report.
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noted in the report.

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6 The facts of the case are as follow:-

7 In G.O.No.P.1136-7/R.A.31-23-6 dated 1-9-24 (Flag A) Sidlaghatta Municipality was made an Urban Constituency and was given the right to return a Member to the Representative Assembly.

8 Under the Notification dated 25-11-1924 (Fl.B) an election was ordered to be held on 23-2-1925, the intending candidates were required to furnish their names to the President of Sidlaghatta Municipality by the 26th January 1925.

9 Under the Notification No.P. 2712/R.A.31-23-17 dated 25-11-1924 (Flag C) the calendar relating to the election was published. The candidates standing for election should have given their names to the President before the 26th January 1925. Accordingly Messrs.J.Naranappa and C.Kadirappa furnished their names to the President of the Municipality who must have published the names in his office in accordance with the Rule 3 Part II A and Rule 1 Part II B of Notification No.P.2399/Legis.12-23-6 dated 7-11-1923.

10 This fact was reported to Government by the Dy. Commr. of Kolar in his letter dated 29-1-25 requesting the Government to publish the copy of the list of candidates in the Gazette, (Flag D), Under Rule 3 quoted above.

11 It was notified in the Gazette by Govt. in Notification No.P.4169/R.A.23-24-4 dated 3-2-1925 (Flag E).

12 On 23-2-1925 the election should have taken

P.2710/R.A.
31-23-16

R.A.23-24-3

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taken place. But the Amildar sent the report (Flag F) to the Dy. Commr. of Kolar stating that just before the election proceedings commenced Mr. C. Kadirappa went to the Amildar and enquired of him if it was a fact that his name had been wrongly spelt in the voting paper, that the Amildar replied to him that it was so, but that it was corrected according to instructions of the D.C., that Mr. Kadirappa then presented the petition (Flag G) withdrawing from election, and requesting that no votes need be taken, that the Amildar thereupon accepted the withdrawal and since there was only one candidate left over, he declared him duly elected.

^{the} Petition ^{of Kadirappa} which is in Kannada (Flag G) runs thus :- On a perusal of the voting paper prepared for the election to be held to-day and for which I am a candidate I find that my name is printed without my initials and wrongly as Kadirappa,

Instead of as 'Khadrappa'

- 14. It appears to me that this is very ^{un-} ^{me} satisfactory, that the voters will not identify from the way the name is printed there and that they will ridicule me if they see the name printed in the book. For these reasons, I request that votes need not be recorded in my name. Since I want to appeal for the above said reasons, I have filed this petition."

Ref to.

Serial
No

RA 23-24-7.

Sl. 9

15. The D.C. reported (Flag ^{Spec} 15) the fact to the Govt. requesting to approve of the election of J. Naranappa. In the letter the D.C. intimated that Mr. C. Khadrappa had preferred an appeal and that it would be disposed of according to rules.

16. The Government approved of the election and notified accordingly. (Flag ⁹ K).

17. Subsequently the D.C. made a reference to Govt. (P.U.D.) and on the appeal petition of Mr. C. Khadrappa seeking the instructions of Govt. under notification No. P. 2400 / Legis. 2-23 / Para 6 (6).

(Flag L, page 89 of Vol. I).

18. It will be seen from the reference of the Deputy Commissioner that the contentions raised by Mr. C. Khadrappa in his appeal petition are

- (1) His name was wrongly printed on ^{the} voting papers
- (2) His initial letter 'C' was omitted,
- (3) that he withdrew his candidature on the presumption that the voters will be misled by the incorrect name.

19. In the course of argument before the D.C. he ^{is} stated to have raised the following contentions:-

(4) that application presented before the polling officer was not intended to be an application for withdrawal of his candidature;

(5) that even if it was one, the polling officer was not the one authorised to receive it;

(6) that the ~~xx~~ withdrawal application was time-barred.

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The D.C. has held that the contentions (1) (2) and (3) were trivial and not worthy of consideration. With regard to (4) the D.C. has held that whatever might have been the intention of C. Knadrappa the application unequivocally expresses the withdrawal and that this contention is not valid.

The D.C.'s views on these above points appear to be sound.

2. With regard to (5) the D.C. is of opinion that the officer who should receive application for withdrawal is the officer under whose signature it was published in the Gazette: In this, the L.L. Secretary.

In order to appreciate this point, kind reference is invited to rule 3 Part II A and Rule Part II B (Flag *κxy*). Under this rule ^{re Rule 3} the President of the Municipality should prepare the list of the candidates and publish it in his office. A copy of this list is then published by the D.C. in the Gazette.

Reference is also invited to Rule 1 in Notification dated 15-1-1924^x under which the communication of withdrawal should be delivered to the officer who notified his candidature not later than 5 days after the publication of the list of candidates.

Then the question is who is the officer who is to be taken to have notified the candidature under Rule 1 (Flag *f*).

Flag *κxy*Flag *f*
12-23-20

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16. It is submitted that the Amildar or the President of the Municipality is that officer for under Rule 3 Part II A and Rule I Part II B, it is he who publishes the list and all that the D.C. does is merely to publish the copy of the list in the Gazette. Besides Rule 1 (Flag *f*) does not indicate that the publication intended was the publication in the Gazette. Moreover the officer who receives the application for the candidature is the Amildar or the President and he can therefore be the proper officer to accept the application for withdrawal also. So it is submitted that the officer who is to receive the application is the officer who publishes the original list in his office.

In this case it was the President of the Municipality who received the names of candidates and published the list in his office and he was therefore the proper person to accept the application for withdrawal and not the D.C. or the L.L. Secretary under whose signature the copy was published in the Gazette as the D.C. thinks.

2. With regard to (6) kind reference is invited to Rule 1 (Flag *f*). Under this rule the application for withdrawal should have been presented not later than 5 days after

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the publication of the list of candidates.

24. The contention of Mr. Khadrappa is that the Amildar violated the rule in accepting the withdrawal application after the expiry of 5 days from the date of the publication of the list by the Amildar.

30. With regard to this contention it must be said that Mr. Khadrappa himself is responsible for the irregularity to the same extent as the Amildar was responsible. For he presented the application after the period fixed by the rule. He should not therefore be allowed to take advantage of his own wrong under the principle of law that a man should not be allowed to take advantage of his own wrong.

31. In the next place the time prescribed by rule 1 (Flag *J*) is merely directory and not mandatory. A direction in a statute is mandatory when it confers a privilege or power and it is only directory when it imposes a public duty, when injustice or inconvenience to others who have no control over those exercising the duty would result if such requirements were essential and imperative. See Maxwell on Interpretation pages 599, 600. Again on page 611 according to the same book it is said "So the regulation for the conduct

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of elections under the Ballot Act 1872 are so far directory only that an election is not invalidated by non-observance of them, unless the non-observance was of a character contrary to the principle of the Act or might have affected the result of the election, etc."

37 Applying these principles to the present case, a duty was cast on the President of the Municipality with regard to the application of withdrawal of candidature, ^{By} his accepting the application for withdrawal presented out of time he has transgressed the rule of limitation. If this rule is considered to be mandatory, inconvenience and injustice must result to the person declared to be elected who had no control over the President. So the rule of limitation is merely directory and not mandatory.

38 Applying the other principle, the non-observance of this rule is not contrary to any principle of the rules regarding elections. The time limit seems to have been fixed more in the interest of the other candidate, if any, ^{and} for the information of the voters so that the other candidates may not lose the benefit of their vote as is clear from the rules 2 & 3 (Flag J). If anybody would be prejudiced at all, it would be the other candidates left over and objection would come from them with better grace than from the appellant.

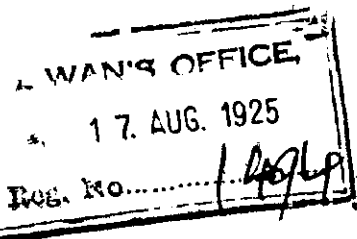
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Secretaria

3 For these reasons the contentions put forward by the appellant ~~xxxxxxxxxx~~ do not seem to be valid.

Therefore the notification declaring Mr. J. Naranappa as duly elected may perhaps be left undisturbed.

Serial
No.

(Cheng)

14/8

37

No I agree.

The contention that the Amildar is not the proper authority to receive the application of withdrawal from the candidature of acting upon it, is not tenable, for it is the Amildar as President of the municipality that is responsible for publication of the list. He is the proper authority to receive the application that the Govt. whose orders are issued under the signature of its Secretaries.

Moreover the Govt. ^{could} not ^{have} intended that the applications for withdrawal of candidature should be presented to the Govt. within 5 days ~~before~~ ^{after} the publication of the list of candidates. It is highly inconvenient.

As to the delay in presenting the application for withdrawal, the appellant cannot take advantage of his own laches.

Assuming that there are irregularities they are not such material irregularities within the meaning of rule 4 of bye-law no 2400 dated 7th Nov 1923 (Hag 4) as to call for the interference of Govt. Hence the Govt. may not perhaps interfere. Let aside the election already declared (Dewan).

8/ 14/8 14/8

Serial
No

357

The withdrawal is not
any withdrawal as it
is a mere change
The withdrawal is a matter of
his voting & election
of candidate over
a fresh el

4
18/8

88
29.8
18/8

39)

I have looked ^{carefully} into the application of
The Khadiwala of Council in Rangas
also.

40) It appears to me that there is a distinct
clause ~~to the~~ to the effect that he withdraws
from his candidature & that he asks
The Amritsar for reasons & that he
not to call for votes, ~~that he withdraws~~
His allegation that his name has not
been corrected is not borne out
by the records for I find that
from his name has been corrected
in every page of the voting book

(May 5). The Amritsar also states that he has
informed him before withdrawal that he is carrying on
under the name of (Masthale), it

41) is a point for consideration whether
re-election should be ordered on this
ground.
Dewan.

42) of record
Chung 4/9/25

88
79
7.9

OFFICE OF THE SECRETARY
29. AUG. 1925
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

DEWAN'S OFFICE
REC'D. ON 7 SEP 1925
Reg. No. 2191

OFFICE OF THE SECRETARY
20. OCT 1925
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

Serial
No.

Draft submitted

31/10 46) The draft has been
that go to the
that is confirmed a situation
by means of which - Reason
by means of which - Reason

Revised draft submitted

31/10 47) The draft has been
that go to the
that is confirmed a situation
by means of which - Reason
by means of which - Reason

Draft reflecting the
petition as ordered by the Dewan
is sent with approval

Dewan 4/4

A Mr 4/4 984
R 6/4

31/10 47) The draft has been
that go to the
that is confirmed a situation
by means of which - Reason
by means of which - Reason

Serial
No. 16

From The Dy Comr. Kolhar Sh —
No: Oc 1272/24-25 dt 9.10.25 —
In contn of his letter dt 31.7.25 & forward
A petition dated 18.10.25 from
Mr. C. Khadappa, of Sidlaghatta —
requesting the return of Rs 100/- deposit
by him in the Dy Comr's office in
connection with his petition of appeal
against the said election & against
early orders of Govt in the matter, &
requests to be informed whether
the amount of deposit may be returned
to Mr. Khadappa.

17

To The Dy Comr. Kolhar Sh & Secy RA
No: Acl 142-6 dt 13.11.25.

Dismisses the petition of Mr. C. Khadappa
for reasons stated in the order.

49 On permitted.

50 The appeal of Mr. C. Khadappa
before the Dy Comr was dismissed
dt 13.11.25.

51. Mr. Khadappa requests the return
of Rs 100/- deposited by him before
the Dy Comr when preferring the appeal
and the Dy Comr requests to be informed
whether the deposit amount may be
returned to him.

File No. 23 of 1924

Serial
No.* p. 89 of
Vol I of Manual.

52 The deposit is intended to ~~be~~ ^{serve} as
a security for all costs, charges
and expenses which may become
payable by M. C. Khareppa.

53 The Dy Commr. does not say whether
any costs have been incurred in hearing
his appeal.

54. & approved, draft enquiring in
the post.

18/11
8/11
18.11.25

Please send up a copy of the
Main Vol II 18/11

Vide flag

Copies for up as directed

18/11 8/11
18.11.25

OFFICE OF THE SECRETARY
29. MAR 1927
LEGISLATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Received from the
late Secy. Bragg
on 29-3-27

No further action seems
necessary as no reference has
been received from the Dy.
Comr. after order dismissing the
appeal per. were passed in 1925.

For order as to whether this
may not be filed.

2.7-27

N.B.—Should routine notes be written on small slips,
the notes must be copied, or slips pasted on
this form

These papers relate to the petition of appeal, presented by one Mr. Khadrappa in the matter of the election of a member ^{to} ~~for~~ the R.A. from the Siddlaghatta Urban Constituency, during the previous trienni election.

The appeal was heard in the first instance by the Deputy Commissioner of Kolar and referred to Government for final orders. These were passed in November 1925.

The petitioner had, under the rules, deposited with the Deputy Commissioner, a sum of Rs.100, which he asked to be returned. The Deputy Commissioner sought orders of the Government in the matter in his letter dated 9th October 1925. No orders have been passed separately with reference to this ~~of~~ letter about the refund of the deposit amount, as the papers were with the previous Secretary, which he returned to office on the 29th March 1927, without orders. Neither has the Deputy Commissioner made any reference about it since. It is not known whether the amount has been returned to the party.

In these circumstances the point for consideration is whether the papers may be filed because orders of Government, dismissing the appeal were passed in November 1925 or the Deputy Commissioner asked to state whether the money is still held in deposit pending the orders of Government.

Mr. S. M. A.
6/7

Secy)
Please put up draft
6/7

Secy
5/7
D.C. may be asked
6.7

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft submitted for
Approval B. S. S.

Issue 11/7

6/7/27

To the Dy. Comr. K. R. S. S.
No. 38 of 11-7-27.

Requests him to kindly state
if the amount referred to is
still held in deposit pending
the orders of Govt.

Do R
11/7

Subd. with a draft amount for
approval.

Is
11/8.
S. S.

Issue 11/8

11-8-27

Issued no. 153 of 12-8-27.

From the Dy. Comr. K. R. S. S.
letter No. 456 of 27-28 of 11-8-27

States, in reply that the amount
of deposit has been returned
to the Dy. Comr. K. R. S. S.

Submitted for perusal.

The deposit of Rs. 100/-
has been returned to

N. B.—Should routine notes be written on small slips,
the notes must be copied, or slips pasted on
this form.

17
Rel 19.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

~~to the party~~
~~to the D. Com.~~ ~~the~~
 The D. Com. does not
 however say when the
 deposit was returned
 from Wharfedale

It does not seem
 to be material to
 know when exactly the
 deposit was returned
 to the party.

May not the papers be filed?

There is no other
 point involved. May
 be filed.

Rel
 File (B) 29/8

No. ROC 1272 16/11/25
ENCS.

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

Dated Kolar, the 26th March 1925.

FROM

39922

23-24-10.

S. HIRIANNAIYA, Esq., M.A., B.L.,

DEPUTY COMMISSIONER, KOLAR DISTRICT.

To
B. Nagappa, Esq., Bar-at-Law,

SECRETARY TO GOVERNMENT OF MYSORE,

Local & Legislative Department, S,

BANGALORE.



SIR,

In continuation of my letter No: ROC.1272/24-25 dated the 2nd March 1925, regarding the election of a member for the Mysore Representative Assembly from the Sidlaghatta Urban Constituency, I have the honor to forward herewith under the provisions of para 6(a) of Notification No: P.2400 dated 7th November 1923, for final orders of Government, the entire proceedings relating to the result of my enquiry held in connection with the petition of appeal presented by Mr. C. Khadreppa, a candidate for the said election, together with a copy of my finding in the case.

2. I request that orders of Government may kindly be obtained in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Chamannaiah

Treasury Assistant Commissioner,
For Deputy Commissioner,
Kolar District.

V.V.R.2.
26/3.

In the Court of the Deputy Commissioner, Kolar District.
Dated Kolar, the 24th day of M a r c h 1925.

Present:- S. Hiriannaiya, Esq., M.A., B.L., Deputy Commissioner,
Kolar District.

R.A.Appeal No:1 of 1924- 1925.

Appellant:- Mr. C. Khadreppa, Mokhtyar, Sidlaghatta.
Vs.

Respondent:- GOVERNMENT OF MYSORE.

The petition of appeal presented by the appellant relates to the election of a member for the Mysore Representative Assembly from the Sidlaghatta Urban Constituency recently constituted in G.O.No:P. 1136-7/R.A.31-23-6 dated 1-9-1924. Government having approved of the candidature of the appellant and another Mr. Jatavara Naranappa, merchant, Sidlaghatta, the same was notified in the Mysore Gazette dated 5th February 1925. The date of election fixed by Government was 23rd February 1925. The Amildar-President and Polling Officer attended the office on that day at 11 A.M. and was about to commence the Poll. At that time, the appellant appeared before the Polling Officer and requested to be shown the Voting Paper books, stating that he learnt that his name was printed wrongly. The books were shown to him and it was explained to him that the wrong entry was duly corrected and attested by the Poling Officer. The appellant immediately wrote an application and presented it to the Polling officer to the effect that on account of the printing mistake in the ballot-books, he was humiliated and requesting that ^{taking} his votes in his name might be excused for this reason. He also added in the application ~~with~~ that he would withdraw his candidature for preferring an appeal. Upon receipt of the application, the Polling Officer considered that Mr. Khadreppa withdrew his candidature and ^{accordingly} ~~according~~ declared Mr. Jatavara Naranappa, the other candidate as duly elected.

It is against this election that Mr. Khadreppa has ^{now} ~~not~~ preferred an appeal. The grounds put forward by him are (i) his name was wrongly printed in the Voting papers as "3662". (ii) that his initial letter "C" was omitted, and (iii) that he withdrew his candidature on the presumption that the voter would be misled by the incorrect name, as printed in the voting papers.

The other candidate Mr. Jatavara Naranappa has also submitted a

petition to this office on 9th March 1925 enclosing a copy of Mr. Khadreppa Vignapana patrike dated 12th February 1925. He points out that Mr. Khadreppa has admitted his having looked into the Mysore Gazette of 5th February 1925 notifying that ^{The} candidature but has failed to take objection to the Printing mistake, although there was sufficient time for him to have done so.

ORDER.

So far as the grounds expressly mentioned in the objection petition are concerned I do not think they are acceptable. These grounds are (1) that the petitioner's name was wrongly spelt in Kannada Viz: ~~ನಿರಾಕೃತ~~ for Mr. ~~ನಿರಾಕೃತ~~ (2) that his initial letter Viz: "C" had been omitted (3) that the honorific plural had not been used in printing his name on the voting paper and (4) that the correction of the printed name Viz: ~~ನಿರಾಕೃತ~~ - into ~~ನಿರಾಕೃತ~~ in manuscript on the voting paper was likely to mislead the voters into thinking that the Government themselves did not look with approval on Mr. Khadreppa's candidature as his name had been struck out and re-written.

It is quite true that the petitioner's name has been printed on the voting paper in Kannada somewhat differently from the spelling used in the voter's list (No:590) and it is also true that the mistake was rectified before the election by striking out the printed name and re-writing it properly in manuscript. But it is inconceivable that these trivial defects ^{or have any effect on the minds of the voters} would mislead any voters in making their choice between the two candidates who had offered themselves for election. Nor can the omission of the initial letter "C" or the failure to use the plural termination be regarded as having any such effect. The only candidates were Mr. Naranappa and Mr. Khadrappa and none of the omissions or defects just adverted to could cause any confusion in the minds of the voters as regards the person of their choice.

I must also similarly dismiss the argument that the correction on the voting paper was likely to make the voters think that Government themselves did not look with favour on Mr. Khadreppa's candidature. It is not worthy of serious consideration.

There is however one other contention which Mr. Khadreppa brought up at the hearing which deserves examination. He contends that the application presented by him to the Polling Officer (the Amildar) on the date of election was not intended to be an application for the withdrawal of his

candidature and that even if it should be considered to be such the Polling Officer was not the officer authorised to receive such application or to pass orders on it and that the period had also -- elapsed before which such an application could be presented.

It is doubtless true that in the application to the Amildar the petitioner states that he "wishes to withdraw for filing an appeal" but whatever the reason for the course of action he was adopting, it is quite clear that he intended to withdraw unconditionally from the election then impending and I think the Amildar was quite right in placing this interpretation on Mr. Khadreppa's application.

But the further contention of the petitioner regarding the officer entitled to receive such an application and the time within which it should be presented stands on a different footing. Para 1 of Notification No:P.3918 dated 15th January 1924 requires (1) that an application for withdrawal by a candidate whose name has been notified for election should be delivered to the officer who has notified his candidature - in this case the Secretary to Government, Local & Legislative Department and (2) that this should be done not later than 5 days after the publication of the list of candidates.

In this case the list of candidates was published on 5th February 1925 in the official Gazette of that date (Vide Notification NoP. 4169 dated 3rd February 1925) and the application for withdrawal in any case, Mr. Khadreppa's application was presented on the date of election viz. 23.2.1925 could not therefore be accepted later than, 10th February 1925 that is nearly 13 days after the limit of time prescribed by the rule referred to above.

The question now is whether these two irregularities viz: the Amildar accepting the application for withdrawal though he was not authorised to do so and accepting it after the limit of time fixed for such applications do not vitiate the further proceedings adopted by the Amildar viz: dispensing with the necessity for an election and holding that the only other candidate in the field should be regarded as having been returned for the Constituency. I am inclined to think that these are grave irregularities but as I entertain a doubt as to whether they may be taken as sufficient to

set aside the election of Mr. Naranappa I submit the case for the final orders of Government (Vide para 6(a) of Notification No:P. 2400 dated 7th November 1923).

24-3-25.

S. HIRIANNAIYA,
Deputy Commissioner,
Kolar District.

"Copy"

Channachandra Rao

V.V.R.2.
26/3.

For Deputy Commissioner,
Kolar District.
ma.

140. J.S. 22 6
P

MEMO OF INTERVIEW WITH THE DEWAN.

10 JUL 1925

C. Kadirappa,
of Siddaghatta
re: R. A. election

Heard of the
election may be
helpful.

by J. H. Vithal

611

10/1

28

10.9

RA
107

05429

No. ROC 1272
ENCS.

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

PROTECTION L...

Dated Kolar, the 30th July 1925.

FROM

S. HIRIANNAIYA, Esq., M.A., B.L.,

DEPUTY COMMISSIONER, KOLAR DISTRICT.

B. Nagappa, Esq., Bar-at-Law,

SECRETARY TO GOVERNMENT OF MYSORE,

Local & Legislative DEPARTMENT,

BANGALORE.

SIR,

kind

I have the honor to invite/reference to my letter

No:ROC.1272/24-25 dated 26th March 1925, regarding the petition of appeal presented by Mr. C. Khareppa in the matter of the election of a member for the Mysore Representative Assembly from the Sidlaghatta Urban constituency and to request the favour of obtaining the orders of Government in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Chamachandra Rao

Treasury Assistant Commissioner,
For Deputy Commissioner,
Kolar District.
(absent from station).

V.V.R.
30/7.

Submitted. This file
relating to the Appeal petition
of Mr. C. Khareppa, is before
the L & L Secy - This may be
placed in the main file when
received. Yes

W. H.
17/8

17/8

int

No.
ENCS.

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

R.A. 23-24-16.

Dated Kolar, the 9th Oct. 1925.

FROM

S. HIRIANNAIYA, Esq., M.A., B.L.,

DEPUTY COMMISSIONER, KOLAR DISTRICT

TO

B. Nagappa, Esq., Bar-at-Law,
Secretary to Government of Mysore,

Local & Legislative Department,

BANGALORE.

OFFICE OF THE SECRETARY
12 OCT. 1925
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

SIR,

In continuation of my letter No: R.O.C. 1272/24-25 dated 21st July 1925, regarding the election of a member to the Representative Assembly from the Sidlaghatta Urban Constituency, I have the honor to forward herewith petition dated 18th August 1925, from Mr. C. Khadreppa of Sidlaghatta requesting the return of Rs 100/- deposited by him in this office, in connection with his petition of appeal against the said election and to request that early orders of Government may kindly be obtained in the matter.

2. I also request to be informed whether the amount of deposit may be returned to Mr. Khadreppa.

I have the honor to be,

Sir,

Your most obedient servant,

C Ramachandra Rao

Treasury Assistant Commissioner,
For Deputy Commissioner,
Kolar District.

(absent from station).

V.V.R.
9/10.

W.H.

R. V. R.
9/10

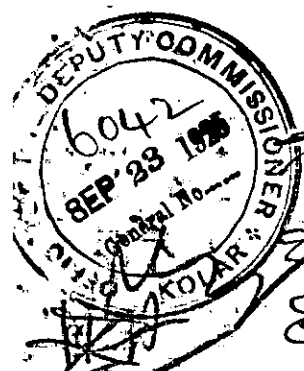
ತುಮಕಿ ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ
 ಸಂಬಂಧಪಟ್ಟವರನ್ನು

ಅಪರಾಧ 1
 24-25

ಮ.ಲ.ಸ.

ಅಧಿಕಾರಿಗಳು
 ಇತ್ತೀಚೆಗೆ ಬಂದಿರುವ
 ಸೂಚನೆಗಳನ್ನು

ಅಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸುವುದು



ವಿವರಣೆ ಮತ್ತು ಅಧಿಕಾರಿಗಳ
 ಸೂಚನೆಗಳನ್ನು ತಿಳಿಸುವುದು
 ಇವುಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟವರಿಗೆ
 ತಿಳಿಸುವುದು

18.8.25

ಇ. ಸ. ಅ. ಸ.

Prayer for the
 refund of deposit
 has reported by him
 in the above case
 Act -

Remission of the
 4 units of the amount - 2000/-
 reported

24.9.25

A:17

Read

Correspondence ending
with letter no. 1272

dated the 26.3.19²⁴₂₅

- From the 24th C.T., Holenar, Sub-
mitting for the order of Govt., the
entire records relating to an
inquiry held by him into an
election petition presented by Mr.
C. Khadrappa, Mooktheyar,
Sislaghatta, in connection with
the election of a member to the
Mysore Rep. Assembly from the
Sislaghatta Urban Constituency.

Order thereon -

No. Rel. 142-3/

R. A 23-24-17 dated. 13.11.1924

The petitioner represents
that he and Mr. Gatawara
Navanappa stood for election to
the Mysore R. A. from the Sisla-
ghatta Urban Constituency,
that at the time of the receiving
of the votes he noticed that his
name was inaccurately printed in

For C.
(the 24th C.T.)

For C.
f

For
24th

and his initial left out in the
 Voting papers, ~~and~~ that he
 therefore withdrew from the election,
 and that the other candidate was
 thereupon ~~so~~ declared duly elected.
 He prays that the election may
 be set aside and a fresh
 election ordered as his withdrawal
 was based upon the ~~assumption~~
 apprehension that his chances
 of success would suffer on
 account of the inaccurate printing
 of his name in the Voting papers.

On a perusal of the
 records, for ~~observed~~ that the
 name of the petitioner was
 wrongly printed in the Voting
 papers but he also observed
 that necessary corrections had
 been made in them by the Polling
 Officer previous to the time fixed
 for recording the votes and that
 the fact that these corrections
 had been made was brought to
 the notice of the petitioner then

The petitioner
could have allowed

he raised his objections to the
Auction. ~~He can object to the petition~~
~~to check the~~ the Auction ^{to} proceed and
challenged the result thereafter if he
thought fit. But instead of
doing so he expressly withdrew
from the Auction and asked the
Polling Officer in writing not to
record any vote in his favour. It
is not now open to him to
plead ignorance of the result of
his withdrawal and pray for a
fresh election.

For these causes, I am
pleased to direct that the petition
should be dismissed.

Jin:
4/11

RZ
4/11

To

The D.C., Kotan B., with
the records.

Ses, R.A.

*Extra copy for
file.*

13

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read:-

Correspondence ending with letter No. *Of 1272* dated *the 26th March 1925* ~~from~~ *24-25* from the Deputy Commissioner, Kolar District, submitting for the orders of Government, the entire records relating to an inquiry held by him into an election petition presented by Mr. C. Khadrappa, *Apoktheyar*, Sidlaghatta, in connection with the election of a member to the Mysore Representative Assembly from the Sidlaghatta Urban Constituency.

Order No.

Dated Bangalore, the

November 1925.

The petitioner represents that he and Mr. Jatavara Naranappa stood for election to the Mysore Representative Assembly from the Sidlaghatta Urban Constituency, that at the time of the recording of the votes he noticed that his name was inaccurately printed and his initial left out in the voting papers, that he therefore withdrew from the election and that the other candidate was thereupon declared duly elected. He prays that the election may be set aside and a fresh election ordered as his withdrawal was based upon the apprehension that his chances of success would suffer on account of the inaccurate printing of his name in the voting papers.

2. On a perusal of the records, Government observe that the name of the petitioner was wrongly printed in the voting paper but they also observe that necessary corrections had been made in them by the Polling Officer previous to the time fixed for recording the votes and that the fact that these corrections had been made was brought to the notice of the petitioner when he raised his objections to the election. The petitioner could have allowed the election to proceed and challenged the result thereafter if he thought fit. But instead of doing so, he expressly withdrew from the election and asked the Polling Officer in writing not to

record

14.
record any votes in his favour. It is not now open to him to plead ignorance of the result of his withdrawal and pray for a fresh election.

3. In these circumstances, Government are pleased to direct that the petition be dismissed.

Secretary to Government,
Representative Assembly, Legis-
lative Council & Economic Conference.

To

The Deputy Commissioner, Kolar District with the records.

The Secretary, Representative Assembly.

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

the

192

Date of issue.....

11-7-27

Signed by.....

Mr N.A.

List of enclosures.....

Copied by.....

Examined by.....

Section

R. H

File No.

23-24

Serial No.

18

No. 38.

To

The Deputy Commissioner

Kolar

Sir,

With reference to
 Your letter No. V.C. $\frac{1272}{24-25}$
 of 9.10.25 requesting to
 be informed whether the
 amount of Rs 100/- reported
 by Mr. Khadappa in
 connection with his appeal in
 the matter of the election of a
 member to the Dep. Assembly
 from the Bidlaghatta Urban
 Constituency during the triennial
 election of 1924, I am

over

directed to request you to
 kindly state if the ~~money~~^{Account}
 referred to is still held in
 deposit pending the orders
 of government.

I have re

dd

For Secretary to Govt

Law Department

6-7-27

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

the

192

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. 153/R.S.

12-8-27

To

The D. C. Kolan

Sir,

I am directed to write refce. to this office letter no. 38 of 11.7.27 enquiring whether the amount of Rs 100 deposited by Mr. Khadrappa in connection with his election petition is still held in deposit and to request a very early reply in the matter.

I have etc.

For Secy to Govt
Law Dept.
J.S.

12.8.27

over

5v)

Office of the Deputy Commissioner, Kolar District.
No. Gl. 456/27-28. Dated, Kolar, the 17th August 1927.

From

R. A 23-24-19.

T.G. Rama Iyer, Esq., B.A.,
Deputy Commissioner,
Kolar District.

Mr. J. N. A. To
"OFFICE OF THE SECRETARY"
19. AUG. 1927
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

B. Nagappa, Esq., Bar-At-Law.,
Secretary to Government of Mysore
Law Department,
B a n g a l o r e.

Sir,

With reference to your letter No. 38 dated 11-7-1927.

enquiring whether the sum of Rs 100/- deposited by Mr. Khadreppa in connection with his appeal in the matter of the election of a member to the Representative Assembly from the Sidlaghatta Urban constituency during the triennial election of 1924, I have the honour to state that the amount has been returned to him.

I have the honour to be,

S i r,

Your most obedient servant,

W. J. G. H. N.
Treasury Assistant Commissioner,
For Deputy Commissioner,
W. J. G. H. N. Kolar District.

A.R.
17/8/27.